

**UNITED STATES DISTRICT COURT  
SENTENCING MINUTES**

Date: 3/29/2019  
Time: 10:33-11:50  
12:05-12:59

Case No.: 1:18-CR-446  
Judge: Hon. Anthony J. Trenga  
Reporter: Rhonda Montgomery  
Deputy Clerk: Dani Zirk  
Interpreter: \_\_\_\_\_  
Language: \_\_\_\_\_

**UNITED STATES of AMERICA**

V.

**BRIAN THOMAS SAPP**

Counsel for Defendant  
**Robert Jenkins**

Counsel for Government  
**Russell Carlberg**

Court adopts PSI (X) without exceptions ( ) with exceptions: Govt.'s corrections to the PSIR have been made in the Addendum. Deft. objects to the 2-level enhancement for breach of private or public trust - overruled.

**SENTENCING GUIDELINES :**

Court departs from Guidelines pursuant to:

Offense Level: 28  
Criminal History: I  
Imprisonment Range: Count 1: 78 to 97 months  
Count 2: 2 years consecutive to all other counts  
Supervised Probation: Ineligible  
Supervised Release: Count 1: 1 to 3 years  
Count 2: 1 year  
Fine Range: \$ 25,000 to \$3,605,960  
Restitution \$ 2,311,330.12  
Special Assessment: \$200 (\$100 as to each count)

\_\_\_\_ USSG 5H1.4  
\_\_\_\_ USSG 5K1.1  
  
\_\_\_\_ USSG 5K2.12  
\_\_\_\_ USSG 5C1.2

**JUDGMENT OF THE COURT:**

BOP for a term of 108 months. This term of imprisonment consists of 84 months as to Count 1 and 24 months as to Count 2, to be served consecutively.  
Supervised Release for a total of 4 years, with special conditions. This term consists of 3 years and to Count 1 and 1 year as to Count 2, to be served consecutively.  
Supervised Probation for \_\_\_\_ months, with special conditions.  
Fine Imposed of \$ \_\_\_\_ due and payable immediately.  
Restitution of \$ 2,311,330.12 payable immediately, with any unpaid balance to be paid in equal monthly installments of \$200, to commence within 60 days of release, until paid in full.  
Special Assessment \$200 (\$100 as to each count)  
(X) Fine/costs of incarceration waived.

**SPECIAL CONDITIONS:**

X The defendant shall pay restitution totaling \$2,311,330.12. Restitution is payable immediately, with any remaining balance to be paid in equal monthly installments of \$200, to commence within 60 days of release, until paid in full. Each restitution payment shall be divided proportionately among the victims.

X The defendant shall apply all monies received from income tax refunds, lottery winnings, inheritances, judgments, and any anticipated or unexpected financial gains, to the outstanding court-ordered financial obligation, or in a lesser amount to be determined by the court, upon the recommendation of the probation officer.

X The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.

X The defendant shall provide the probation officer access to any requested financial information.

X The defendant is prohibited from engaging in any aspect of the banking business, or any similar occupation where the defendant would have access to money.

X The defendant shall maintain full-time, verifiable employment, other than self-employment, and shall provide the probation officer access to any requested employment records.

X   The defendant shall participate in a program approved by the United States Probation Office for substance abuse, which program may include residential treatment and testing to determine whether the defendant has reverted to the use of drugs or alcohol, with partial cost to be paid by the defendant, all as directed by the probation officer.

  X   The defendant shall participate in a program approved by the United States Probation Office for mental health treatment. The cost of this program is to be paid by the defendant as directed by the probation officer. The presentence report and attachments shall be disclosed to the treatment provider for therapeutic purposes.

**RECOMMENDATIONS to BOP:**

  X   Dft. to be designated to a facility located near the Western District of Pennsylvania, if available and appropriate

       Dft. designated to facility to participate in ICC (Boot Camp) type program

       Dft. to participate in the BOP 500 Hour Residential Drug Abuse Treatment Program (RDAP).

Defendant: (X) Remanded    (    ) Cont'd on Bond    (    ) Referred to USPO    (    ) Self-surrender